

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JOHN A. BERNARDI,

Plaintiff,

v.

BRIAN KLEIN and MANDY CAYGILL,

Defendants.

ORDER

08-cv-758-slc

The parties have finished briefing the motion for summary judgment filed by defendants Mandy Caygill and Brian Klein.¹ *See* dkt.13. In reviewing the parties' submissions, I have discovered that plaintiff has failed to file a number of documents with the court. For example, the court has received defendants' *responses* to plaintiff's proposed findings of fact, dkt. 33, but not plaintiff's proposed findings of fact. It seems that plaintiff served his proposed findings on defendants but did not file them with the court. Also, plaintiff filed an "exhibit list" identifying all the pieces of evidence he is using to oppose defendants' motion for summary judgment, dkt. 25, but only a handful of the exhibits are in the record. Again, I assume that plaintiff served all of those exhibits on defendants because they do not object to any of the exhibits in their briefs or proposed findings of fact.

Not later than December 29, 2009, plaintiff may supplement the record with the missing documents. If he does not, then I will resolve defendants' motion without relying on those documents.

Entered this 21st day of December, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge

¹ Plaintiff identified this defendant as "Brian Kline" in his complaint. I have amended the caption to reflect the spelling of Klein's name reflected in defendants's submissions.